

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEROME CEASAR ALVERTO,

Plaintiff,

V.

DEPARTMENT OF CORRECTIONS, C/O FINCH, C/O PERCIFIELD, C/O GRIJALVA, SGT. C. ROOP, HERBERT C. PENROSE, MICHAEL ESTES, KRISTI ENTROP, DR. JUGUILON, STEPHEN SINCLAIR, RAYMOND BUCHMANN, C/O ADAMIRE, RON FRAKER, ROB JACKSON, COUNSELOR WALKER, KURT GRUBB, C/O DELEON, C/O PALMER, JASON ROMERO, ADELE WILLIAMS, BRYAN MCGARVIE, DARREN HEWARD, DENISE LARSON, LT. TOM TABER, JASON ULRICH, and STATE OF WASHINGTON.

Defendants.

No. C11-5572 RJB

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of U.S.

Magistrate Judge Karen L. Strombom. Dkt. 66. The Magistrate Judge recommends that

Plaintiffs' motion for injunctive relief (Dkt. 46) be denied. Plaintiff has filed objections to the Report and Recommendation. Dkt. 69. The Court has considered the Report and Recommendation, the objections, and the record herein.

As detailed in the Report and Recommendation, Plaintiff seeks an order enjoining Defendants, and others, from (1) committing ongoing constitutional violations and (2) directing Defendants to move him to one of four identified DOC facilities. Plaintiff alleges several

1 instances of staff sexual misconduct, failure of staff to protect him from other inmates,
2 inadequate medical care, retaliation, limited law library access, and state Public Records Act
3 violations.

4 A plaintiff seeking a preliminary injunction must establish the following: (1) a
5 likelihood of success on the merits, (2) a likelihood of irreparable injury to the plaintiff if
6 injunctive relief is not granted, (3) a balance of hardships favoring the plaintiff, and (4)
7 advancement of the public interest. *Winter v. Natural Res. Def. Council*, 555 U.S. 7 (2008). The
8 Magistrate Judge found that Plaintiff has not shown probable success on the merits, nor that the
9 balance of relative hardships tips sharply in his favor or even a threat of irreparable injury. The
10 Court agrees with the Report and Recommendation of the Magistrate Judge. Plaintiff's
11 objections are unpersuasive.

12 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen
13 L. Strombom, objections to the Report and Recommendation, and the remaining record, does
14 hereby find and **ORDER**:

- 15 (1) The Court adopts the Report and Recommendation;
16 (2) Plaintiff's motions for preliminary injunction and hearing (ECF No. 46) is

17 **DENIED.**

- 18 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for
19 Defendants, and to the Hon. Karen L. Strombom.

20 **DATED** this 30th day of January, 2012.

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ROBERT J. BRYAN
United States District Judge